

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RETA MCRAE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-04-878-M
)	
JO ANNE B. BARNHART,)	
Commissioner, Social Security)	
Administration)	
)	
Defendant.)	

ORDER

On April 20, 2005, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation [docket no. 15] in this action brought pursuant to 42 U.S.C. § 405(g) for judicial review of Defendant Commissioner of Social Security Administration's ("Commissioner") final decision denying Plaintiff's application for supplemental security income benefits under the Social Security Act. The Magistrate Judge recommended that this Court affirm the Commissioner's decision. The parties were advised of their right to object to the Report and Recommendation by May 10, 2005. Plaintiff's Objection to Report and Recommendation was filed on May 10, 2005. [docket no. 16.]


Plaintiff raises two main objections to the Report and Recommendation. First, Plaintiff asserts the Administrative Law Judge ("ALJ") failed to explicitly weigh the factors prescribed by the regulations and to explain the weight, if any, which he was assigning to Dr. Kimberly Smith's February 26, 2002, report. Second, Plaintiff asserts the ALJ did not

properly weigh the evidence and factors of pain and consequently erred in determining her Residual Functional Capacity.

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's objections, and the administrative record. Upon *de novo* review, the Court finds that the Report and Recommendation accurately states the relevant law, fairly represents the facts contained in the administrative record, and correctly analyzes the interconnection between the two. The Court further finds that the arguments and assertions in Plaintiff's objections have been directly addressed and properly disposed of in the Report and Recommendation. Accordingly, the Court hereby:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on April 20, 2005;
- (2) AFFIRMS the Commissioner's denial of Plaintiff's application for supplemental security income benefits under the Social Security Act; and
- (3) ORDERS that judgment in favor of the Commissioner issue forthwith.

IT IS SO ORDERED this 26th day of May, 2005.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE